

moiety of which was delivered to him accordingly. And B. who had instituted his suit on the first of July, 1684, and obtained a special judgment against the assets confessed by the heir on the first of September, 1686. It was held, that although B's judgment was subsequent to A's, yet B's having relation to the institution of the suit, which was commenced before A. obtained his judgment, it operated as a lien from that time, and therefore must be first satisfied. *Co. Litt.* 102; *Sir William Herbert's*, 3 *Co.* 12; *Gree v. Oliver*, *Carth.* 245; *Bac. Abr. tit. Execution*, *I; 2 *Blac. Com.* 340, n. 71; *Bull. N. P.* 175; 2 *Harr. Ent.* 689.

Land in the English Colonies was considered as partaking much more than in England of the nature of mere commercial property. *Attorney-General v. Stewart*, 2 *Meriv.* 153. It is said, that there are instances of colonial estates having been sold under the authority of the Court of Chancery of England; according to the law of which Court, where a bond or judgment creditor was under the necessity of going into equity to reach the real estate of his debtor, he would not be compelled, as at law, to wait until he could, as under an *elegit*, obtain satisfaction according to an extended value; but the Court would accelerate the payment by ordering a sale of a moiety of the estate or so much as might have been extended at law. *Roberdeau v. Rous*, 1 *Atk.* 544; *Higgins v. The York Buildings Company*, 2 *Atk.* 107; *Kinaston v. Clark*, 2 *Atk.* 206; *Stonehewer v. Thompson*, 2 *Atk.* 441; *Stileman v. Ashdown*, 2 *Atk.* 481, 609; *S. C. Amb.* 13; *Curtis v. Curtis*, 2 *Bro. C. C.* 633; *Leaby v. Dancer*, 12 *Cond. Chan. Rep.* 164.

* Before the year 1732, it was, in general, true, that lands in Maryland were no otherwise liable to be taken or ex-
tended in satisfaction of debts than according to the law of Eng-
land; and prior to that time there are many instances in which
lands were so extended by *elegit*. But the peculiar circumstances
of the Province; the scarcity of money, and the small proportion
of personal to real estate seem to have given rise to a wish among
the people, that land should, in some way, be made entirely sub-
ject to be seized and sold for the satisfaction of debts. This
general disposition is indicated by some principles peculiar to our
law in relation to imperfect legal titles; to equitable interests in
land; and to the real estates of deceased debtors which were
established as a part of our Code antecedent to that period.

In that interval of time between the designation of a tract of land, by a specification of a special warrant or otherwise, and the obtaining of a patent for it, the purchaser was considered as the holder of an inchoate legal title, a perfectible legal interest regarded as a sort of chattel real, which upon being completed by a patent was deemed a legal title, from the date of such designation, to all intents and purposes. So long as the right remained as a chattel real it was, like all other chattels, liable to be taken